

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James G. Blakely, a.k.a. James Gatewood)	
Blakely, a.k.a. Jimmy G. Blakely,)	C/A No. 5:12-1214-MBS-KDW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Dr. Moore; Nurse Enloe, A; Warden M.)	
McCall; A/W S. Claytor; Dr. Amonitti, G.;)	
Warden McCabe,)	
)	
Defendants.)	
_____)	

Plaintiff James G. Blakely is an inmate in custody of the South Carolina Department of Corrections. At the time of filing, Plaintiff was held in a Special Management Unit (SMU) at Lieber Correctional Institution in Ridgeville, South Carolina. He currently is housed at McCormick Correctional Institution in McCormick, South Carolina. Plaintiff, proceeding pro se, brought this action on May 8, 2012, asserting that he has been denied adequate medical care, in violation of his constitutional rights. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Kaymani D. West for pretrial handling.

On August 31, 2012, Plaintiff filed a motion for preliminary injunction, seeking the court to enjoin Defendants

from retaliating by placing plaintiff in SMU, PHD and cell restricting on false charges and from hindering plaintiff's assigned jobs and educational programs. Plaintiff further request an order, ordering defendant A/W Thompson and A/W McFadden to release plaintiff from SMU immediately because plaintiff is being held in SMU without any charges.

ECF No. 33.

Defendants filed a memorandum in opposition to Plaintiff's motion on August 16, 2012. On August 28, 2012, the Magistrate Judge issued a Report and Recommendation in which she noted that Plaintiff failed to satisfy any of the factors set forth in Winter v. Natural Res. Def. Council, 555 U.S. 7, 20 (2008). Accordingly, the Magistrate Judge recommended that Plaintiff's motion for preliminary injunction be denied. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Plaintiff's motion for preliminary injunction is **denied**. The matter is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Chief United States District Judge

Columbia, South Carolina
October 30, 2012